

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05-30149

STEVEN J. MALKE  
Plaintiff,

v.

TRANSCONTINENTAL REFRIGERATED LINES, INC.  
Defendants.

**DEFENDANT'S CERTIFICATION PURSUANT  
TO LOCAL RULE 16.1(D)(3)**

The defendant, Transcontinental Refrigerated Lines, Inc., and its counsel hereby certify  
in accordance with the provisions of Local Rule 16.1(D)(3) as follows:

Defendant and its counsel have conferred:

- (a) With a view to establishing a budget for the cost of conducting a full-course - and various alternative courses - of the litigation; and
- (b) To consider the resolution of this litigation through the use of alternative dispute resolution programs such as those outlined in Local Rule 16.4.

TRANSCONTINENTAL REFRIGERATED  
LINES, INC.

By: s/Richard M. Jones  
Richard M. Jones Its Director, Risk Management

Fay\_\_\_\_\_

s/Andrew J.

Andrew J. Fay (BBO# 550058)  
TOBIN, SULLIVAN, FAY & GRUNEBAUM  
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781-237-0877

Dated: August 23, 2005